IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 4994 of 2007(T)

PETITIONER:

SANGEETHA HARISH, OORAMPALLIL,
MUNDACKAL WEST P.O. KOLLAM.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:
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1. **THE ASSISTNT EX.ENGINEER, KSEB,**
   CANTONMENT ELECTRICAL MAJOR SECTION, KOLLAM.

2. **THE ASSISTANT ENGINEER, KSEB,**
   CANTONMENT ELECTRICAL SECTION, KOLLAM.

BY ADV. SRI. JOSE J. MATHEICKAL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.4994 OF 2007-T

Judgment

The petitioner feels aggrieved by the steps taken by the respondents to establish a transformer by the side of the road adjoining the petitioner's property. The location of the transformer is shown as Point A in Ext.P2 sketch. She further apprehends that the stay wires may be placed in her property. The placing of the transformer at Point A will cause obstruction to the entrance to the petitioner's property, it is submitted. Therefore, the petitioner has preferred Ext.P6 representation before the Deputy Chief Engineer, KSEB, Kollam and Ext.P8 representation before the Assistant Executive Engineer, Cantonment Electrical Major Section, Kollam and thereafter, this Writ Petition is filed, seeking a direction to the respondents not to instal the transformer at Point A and to consider and pass orders on Exts.P6 and P8.

2. The learned Standing Counsel upon instruction, submitted that against the steps taken to instal the transformer, the petitioner has filed a suit which was recently dismissed as not maintainable. Further, it is submitted that the KSEB will not place the stay wires in the property of the petitioner. It is also pointed out that the petitioner's property has got a frontage of 20 metres, whereas the transformer will occupy only 2 metres and therefore, no prejudice is caused to the petitioner by placing the transformer at Point A.

3. The learned counsel for the petitioner in answer would submit that the property has been partitioned and the road frontage of her share is considerably reduced and if the transformer is put up at the proposed location, she might not have access to the public road from her plot.

4. Normally, the petitioner cannot have any grievance if a transformer is established by the side of the public road adjoining her property. But, every land owner adjacent to a highway is entitled to have access to the highway without obstruction. If after the partition, as alleged by the petitioner her road frontage is considerably reduced and the putting up of the transformer will obstruct her access, the petitioner may bring it to the notice of the 1st respondent within two weeks from today with the necessary sketch and materials and also the copy of the title deed of her property. In that event, the 1st respondent will look into the matter and ensure that the transformer is put up without obstructing the access to her plot. If there is access having sufficient width excluding the portion where the transformer is established, needless to say, the respondents can proceed with the establishment of the transformer.

The Writ Petition is disposed of as above.

21.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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